

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
)	WC Docket No. 05-196
E911 Requirements for IP-Enabled)	
Service Providers)	

**COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION**

Introduction and Summary

The United States Telecom Association¹ (USTelecom) understands the urgency of providing reliable E911 service to customers using Voice Over Internet Protocol (VoIP) services. It supports the Commission's June 3, 2005 Order² (Order and NPRM) released in the wake of several tragedies involving Vonage³ subscribers who were unable to reach their designated E911 line during medical emergencies and violent crimes.⁴ The Order and NRPM compelled all interconnected VoIP providers to supply E911 calls to the appropriate

¹ USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Importantly for this proceeding, many USTelecom members offer or plan to offer VoIP services.

² *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 04-36, First Report and Order and Notice of Proposed Rulemaking, (Rel. June 3, 2005).

³ Vonage Holdings Corporation offers voice service provided over a broadband connection and markets and sells the service a substitute for traditional telephone service.

⁴ Three recent incidents were detailed by members of the public at the Commission's Open Meeting on May 19, 2005 at which the Commission adopted the Order.

local public service answering point (PSAP), along with callers' telephone numbers and location information, within 120 days of publication in the *Federal Register*. USTelecom members have been cooperating with VoIP providers and working diligently to meet the compliance deadline ordered by the Commission.

While agreeing wholeheartedly with the urgency and purposes of the Order and NPRM, USTelecom does not think that the Commission should necessarily expand its scope. In particular, the Commission would do more harm than good if it were to create more regulation or mandate specific technological solutions. Rather, the Commission must concentrate on establishing objectives for VoIP E911 policy that fulfill its responsibility to protect the public while relying on markets to guide implementation and accommodate new technologies.

New communications technologies are constantly emerging. What form these technologies take is often unpredictable. The Commission can help facilitate efficient market adaptation to new technologies by establishing goals and resolving disputes. If instead the Commission adopts specific rules and regulations that must be adjusted to take advantage of opportunities presented by new technologies, the Commission will only harm the public interest. The Order and NPRM was written for a residential market and a defined service—Vonage—in response to a clearly defined problem. The business market and converged services were not contemplated, however, and the Commission must find ways to accommodate the different services, characteristics, and capabilities that VoIP providers will offer. VoIP providers need time to find cost-effective, reliable ways to track nomadic users' locations and expand their ability to provide E911 service. For these

reasons, USTelecom urges the Commission to follow the approach it took in the wireless E911 proceeding⁵ and support industry groups and standards bodies as they continue their work in developing reasonable solutions that can be reliably implemented. This approach led to the successful implementation of wireless E911 service, and it is the path most likely to lead to the successful implementation of VoIP E911 service, as well.

Discussion

For years, USTelecom members have provided E911 services to their customers and have cooperated with PSAPs in implementing E911 technology to better serve the public.⁶ USTelecom's members include both wholesalers of services to VoIP providers and retail providers of VoIP services, themselves. As such, USTelecom members have a strong interest in the Commission's future decisions regarding VoIP E911 services.

USTelecom agrees with the Commission that encouraging rather than mandating cooperation between incumbent local exchange carriers (ILECs) and VoIP providers is the right approach to achieving widespread deployment of VoIP E911. The Commission did not impose mandatory requirements for ILECs to provide E911 to VoIP providers. Rather, it said, "We expect and strongly encourage all parties involved to

⁵ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Report and Order and Further Notice of Proposed Rulemaking (Rel. July 26, 1996).

⁶ Public safety concerns are paramount in USTelecom policy. USTelecom believes that all local service providers, regardless of the technology they use, must be held to the same public interest standards to which ILECs are required to adhere and provide critical services such as E911. USTelecom policy states that every VoIP provider that offers voice calling services in the United States must facilitate E911 calls from the customer to the PSAP that serves the customer's current physical location. It states that every VoIP provider must adhere to state, county and local municipal requirements for customer location information.

work together to develop and deploy VoIP E911 solutions”⁷ USTelecom supports this choice because a one-size-fits-all regulatory approach is inefficient whereas a more flexible approach allows for innovation and creativity that actually could speed up the deployment of VoIP E911. ILECs play a vital role in the provision of VoIP E911 services to the public safety answering point (PSAP). Directly or indirectly, ILECs maintain the selective routers, Automatic Location Information databases, trunks, and other facilities necessary to deliver emergency call information to the appropriate PSAP. In order for VoIP E911 to be successful, tariff-based or contractual agreements governing the business relationships between ILECs and VoIP providers must be reached. Flexibility—rather than rigid rules and regulations—will help facilitate these business relationships. A flexible approach will allow communications providers the opportunity to find the most expedient and cost effective ways to deploy VoIP E911.

USTelecom believes that the best way for the Commission to achieve its goal of ubiquitous and reliable VoIP E911 service is not to mandate specific technological solutions but to allow communications providers to work together with leading national public safety organizations and emergency-service providers to implement new standards and services. By issuing its Order and NPRM, the Commission has taken a giant step toward achieving its goal. The Commission has asked what additional steps it should take to ensure that providers of VoIP services that interconnect with the nation’s Public Switched Telephone Network (PSTN) provide ubiquitous and reliable E911

⁷ Order and NPRM at ¶ 40.

service.⁸ USTelecom urges the Commission to support industry and standards bodies as they continue their work in evaluating problems and identifying solutions that can be implemented. This is the approach the Commission followed in the wireless E911 proceeding⁹ that successfully led to an E911 service offering for wireless consumers.

As the Commission has noted, industry participants, state agencies and commissions, public safety officials and PSAPs, and the Association of Public Safety Communications Officials International, Inc. have been working together under the auspices of the National Emergency Number Association (NENA) to develop solutions that will lead to VoIP subscribers receiving E911 functionality.¹⁰ NENA's "I2" standards, which are designed to allow VoIP providers to deliver 911 calls through the wireline E911 Network with call back numbers and location information, are near completion and will be published long before the Commission could develop appropriate standards.

USTelecom urges the Commission to refrain from requiring VoIP providers to be able to automatically identify a VoIP customer's location because technology for locating nomadic VoIP customers is not yet fully developed, can be unreliable, and will be costly to implement. The Commission has asked whether it should require all terminal adapters or other terminal equipment used in the provision of interconnected VoIP service sold as of June 1, 2006 to be capable of providing location information automatically, whether embedded in other equipment of sole to customers as a separate

⁸ Order and NPRM at ¶ 56.

⁹ See n. 5.

¹⁰ Order and NPRM at ¶ 21.

device.¹¹ Global Positioning System (GPS) technology, probably the best technology available at this time, is imperfect and does not always work. In many large hotel and office buildings, for example, GPS devices cannot maintain the reception necessary to function properly. In addition, GPS technology or other technology that could be used to make a terminal adapter location smart can be extremely costly. USTelecom members considering whether to provide a VoIP offering have said that they may be forced to delay doing so if they have to comply with E911 requirements for nomadic customers because it is technologically impossible at this time. A reliable solution may not be far off, however. The Telecommunications Industry Association (TIA) has been working to address E911 issues and develop a standard to boost support for E911 among equipment vendors.¹² The Commission should allow TIA and other standards bodies to continue their search for effective solutions rather than requiring communications providers to spend millions of dollars on interim solutions that will not work reliably.

In deciding whether to extend E911 obligations to other VoIP services, the Commission should strive to maintain competitive neutrality. It asks whether it should extend obligations to provide E911 service to providers of VoIP services that are not fully

¹¹ Order and NPRM at ¶ 57.

¹² See Paul Congdon and David Frattura, "LLDP-MED Simplifies VoIP Deployment," *NetworkWorldFusion*, www.nwfusion.com/news/tech/2004/110104techupdate.html (Nov. 1, 2004), explaining, "The TIA standard, Link Layer Discovery Protocol-Media Endpoint Discovery (LLDP-MED) facilitates information sharing between endpoints and network infrastructure devices. Such data will simplify the deployment of endpoints, enable advanced device firmware management and boost support for E911 in enterprise networks." It goes on to say, "While there are other standards under development, the LLDP-MED method is well suited for use where adds, moves and changes are common."

connected to the PSTN.¹³ USTelecom believes that competitive neutrality is vitally important not only because providing E911 service is expensive for communications providers but—much more importantly—because consumers will treat services as substitutes and place reliance on them. Therefore, the Commission should ensure that whatever obligations it finds necessary must apply to all providers of comparable substitutable services. To the extent that E911 imposes costs, those costs should be borne equally by service providers.

The Commission should not adopt performance standards¹⁴ requiring VoIP providers to update registered location records within a specified timeframe because not all VoIP services will or should serve the market in the same way. USTelecom members and other communications providers find it competitively necessary to be able to provide their customers with E911 service. As the Commission recognizes, most customers of VoIP services that are marketed and sold as substitutes for traditional telephone service expect to be able to dial 9-1-1 for access to appropriate emergency services. For example, a residential user who has replaced his or her landline service with VoIP service is likely to have completely different E911 needs from a small business with several different landlines that also uses VoIP service to contact its out-of-state offices. It is unnecessary to require VoIP providers to update location information because the ability to do so represents a service that differentiates VoIP providers. It would be more important to the residential customer than the small business that maintains its landlines.

¹³ Order and NPRM at ¶ 58.

¹⁴ See Order and NPRM at ¶ 59.

Reporting requirements are unnecessary to bring about VoIP E911 compliance.

The Commission asks if there are ways for it to monitor implementation of its E911 rules without imposing reporting requirements.¹⁵ USTelecom believes that compliance reporting requirements are complex and burdensome and will not necessarily lead to better service. These requirements are also expensive for service providers, and the cost of compliance ultimately will be passed on to consumers. In addition, reporting requirements will divert attention away from implementation requirements. Furthermore, compliance reporting requirements are unnecessary because communications providers have strong incentives to become E911 capable. A company that markets itself as a substitute for traditional telephone service cannot compete effectively in today's market if it cannot supply E911 service like traditional telephone companies do. A subscriber who dials 9-1-1 in an emergency to no avail will not be a subscriber for long, and the disastrous effects of the provider's failure to provide emergency calling service will become widely known as they were during the Commission's May 19, 2005 Open Meeting and in the media afterwards.

The Commission has less intrusive and less regimented ways to monitor compliance. It can maintain an open dialog with consumer groups, industry representatives, public safety officials, and standards bodies to monitor compliance. It can perform random spot checks of VoIP E911. It can provide toll free numbers for consumers to call regarding problems with VoIP E911. It can continue to wage the public information campaign it started with the May Open Meeting to make consumers

¹⁵ Order and NPRM at ¶ 60.

aware of the limitations of VoIP E911 and to pressure VoIP providers into compliance. By reaching out to industry and consumer groups in this manner, the Commission will be able to monitor the implementation and effect of the Order and NPRM.

To the extent the Commission sees the need for a state role in implementing its VoIP E911 rules, it must be sure to fit that role within a federally-established framework.¹⁶ USTelecom sees a need for uniform national standards for E911 deployment because companies and services are intrinsically national in scope. Applying different solutions in different states is burdensome and expensive for communications providers.

Finally, USTelecom suggests that the privacy¹⁷ and disability access¹⁸ questions on which the Commission seeks comment would be more appropriately dealt with in the IP-enabled services docket for several reasons. First, proposing to refresh one docket in another, as the Commission does regarding disability access, is confusing. Second, the issues of privacy and disability access are much broader than E911 service. E911 is one small component of privacy and disability issues, and those issues need to be dealt with more broadly. If the Commission were, for example, to develop a privacy rule that allowed E911 data to be used only for public safety, it might inhibit technological developments down the road.

¹⁶ See Order and NPRM at ¶ 61.

¹⁷ Order and NPRM at ¶ 62.


¹⁸ Order and NPRM at ¶ 63.

Conclusion

This proceeding provides a meaningful opportunity for the Commission to consider the best ways to continue to expand deployment of E911 to VoIP customers without imposing undue regulation on communications providers. USTelecom urges the Commission to encourage rather than mandate cooperation between ILECs and VoIP providers. USTelecom urges the Commission to allow communications providers to work with public safety organizations, industry groups, and standards bodies to identify standards and implement solutions for dealing with nomadic VoIP customers and VoIP services that are not connected to the PSTN. USTelecom urges the Commission to avoid requiring performance standards and reporting requirements and imposing other regulations where the market will force VoIP providers to perform. Flexibility that fosters competition—not rigid rules and regulations—will spur the ubiquitous growth of reliable VoIP E911 service.

Respectfully submitted,

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